

# October 2003

## Update: Juvenile Traffic Benchbook

### CHAPTER 5

#### Dispositional Hearings

#### 5.5 Dispositional Options

##### B. In-Home Probation

Insert the following language on page 5-4 immediately before subsection C:

The court shall require the juvenile to pay the minimum state cost\* prescribed in MCL 712A.18m as a condition of the juvenile's probation. MCL 712A.18(1)(b).

\*See subsection K below for discussion of "minimum state costs."

## 5.5 Dispositional Options

### K. State Minimum Costs

On page 5-6, change the title of subsection K to “State Minimum Costs” and replace the existing text with the following:

Effective October 1, 2003, 2003 PA 71 deleted MCL 712A.18(1)(k), which dealt with “court costs,” and added MCL 712A.18(18) requiring a court to order a juvenile within its jurisdiction to pay minimum state costs according to MCL 712A.18m. MCL 712A.18m states:

“(1) If a juvenile is within the court’s jurisdiction under section 2(a)(1) of this chapter, the court shall order the juvenile to pay costs of not less than the following amount, as applicable:

“(a) \$60.00, if the juvenile is found to be within the court’s jurisdiction for a felony.

“(b) \$45.00, if the juvenile is found to be within the court’s jurisdiction for a serious misdemeanor or a specified misdemeanor.

“(c) \$40.00, if the juvenile is found to be within the court’s jurisdiction for a misdemeanor not described in subdivision (b) or of an ordinance violation.”  
MCL 712A.18m(1)(a)–(c).

## 5.8 Allocation of Money Collected From Payment of Fines, Costs, Restitution, Assessments, or Other Payments

### B. Allocation of Costs, Fines, and Assessments

Replace the content of subsection (B) on page 5-8 with the following:

When orders of disposition involve offenses that would be violations of state law if committed by an adult, money allocated under MCL 712A.29(2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following descending order of priority:

- a) Payment of the minimum state cost mandated by MCL 769.1j.
- b) Payment of other costs.
- c) Payment of fines.
- d) Payment of assessments and other payments.

MCL 712A.29(3)(a)–(d).

Money allocated for payment of costs under subsection (3) shall be paid to the county treasurer for deposit in the county's general fund. Money allocated for payment of fines under subsection (3) shall be paid to the county treasurer and used for library purposes as provided by law. MCL 712A.29(5).

When orders of disposition involve offenses that would be violations of local ordinances if committed by an adult, money allocated under MCL 712A.29(2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following descending order of priority:

- a) Payment of the minimum state cost mandated by MCL 769.1j.
- b) Payment of fines and other costs.
- c) Payment of assessments and other payments.

MCL 712A.29(4)(a)–(c).

One-third of the money allocated for payment of costs and fines under subsection (4) shall be paid to the treasurer of the political subdivision whose ordinance was violated. Two-thirds of the money allocated under subsection (4) shall be paid to the county treasurer and deposited in the county's general fund. MCL 712A.29(6).

## CHAPTER 8

### Procedures for Civil Infractions

#### 8.30 Civil Fines

Replace the bulleted list at the top of page 8-37 with the following:

\*Effective  
October 1,  
2003.

- Handicap parking violations—not less than \$100 or more than \$250 plus costs. MCL 257.674(1)(s).\*
- Failure to produce evidence of insurance—not more than \$10 plus costs. MCL 257.328.
- Child restraint violations—not more than \$10 plus costs. MCL 257.710d.
- Safety belt violations—the civil fine and costs shall be \$25. MCL 257.710e.
- Failure to stop for school bus—not less than \$100 or more than \$500 plus costs. MCL 257.682.
- With the exception of civil infractions under MCL 257.319g,\* civil infractions that occurred while driving a commercial motor vehicle—the civil fine shall not exceed \$250 plus costs. MCL 257.907(3).

\*See the  
October 2002  
update.

## 8.31 Court Costs

Beginning with the second paragraph on page 8-38, replace the content of Section 8.31 with the following:

Under MCL 257.907(4), if civil fines are ordered for an infraction listed in §907(2) or (3) (violations of the Michigan Vehicle Code), a judge or district court magistrate must determine and order the juvenile to pay taxable costs. The costs ordered shall not exceed \$100. Except as otherwise provided by law, costs are payable to the plaintiff's general fund. Nine dollars of any costs ordered under MCL 600.8381(1) before October 1, 2003, but collected on or after that date, shall be paid to the justice system fund created by MCL 600.181. MCL 600.8381(2)(b).

In general, the court costs imposed for a violation of a county, city, township, or village ordinance substantially corresponding to the Michigan Vehicle Code shall be paid 1/3 to the support of the political subdivision whose law was violated and 2/3 to the county in which the political subdivision is located, in districts of the first and second class. However, districts of the third class may agree to a different distribution among the political subdivisions of that district. MCL 600.8379.

### 8.33 Waiving Civil Fines, Court Costs, and Assessments

Replace the existing title and content of Section 8.33 on page 8-39 with the following:

“The court may waive fines, costs and fees, pursuant to statute or court rule, or to correct clerical error.” MCR 4.101(F)(4).

The court shall waive civil fines, costs, and assessments under the following circumstances:

- For defective safety equipment violations—if written under MCL 257.683, “upon receipt of certification by a law enforcement agency that repair of the defective equipment was made before the appearance date on the citation.” MCL 257.907(9).
- For child restraint violations—“if the person, before the appearance date on the citation, supplies the court with evidence of acquisition, purchase, or rental of a child seating system meeting the [statutory] requirements . . . .” MCL 257.907(12).
- For failing to produce a valid registration certificate—“upon receipt of a certification by a law enforcement agency that the person, before the appearance date on the citation, produced a valid registration certificate that was valid on the date the violation . . . occurred.” MCL 257.907(15).
- For failing to possess license while operating vehicle—“upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, has produced his or her operator’s or chauffeur’s license and that the license was valid on the date the violation . . . occurred.” MCL 257.901a.

## 8.34 Assessments

Replace the content of Section 8.34 (beginning at the bottom of page 8-39) with the following:

Beginning October 1, 2003, former assessments for the Highway Safety Fund, the Secondary Road Patrol and Training Fund, and the Michigan Justice Training Fund were collapsed into a single “justice system” assessment of \$40 for traffic-related civil infractions, except for parking violations or violations for which the fines and costs imposed totaled \$10 or less. MCL 257.629e; MCL 257.907(14); MCL 600.8381(5).

In addition to any civil fines and costs ordered for the civil infractions listed in MCL 257.907(2) and (3), “the judge or the district court magistrate shall order the defendant to pay a justice system assessment of \$40.00 for each civil infraction determination.” MCL 257.907(14). The \$40 assessment, which is not a civil fine, is deposited into the state treasury’s justice system fund created by MCL 600.181. MCL 257.629e(2); MCL 257.907(14); MCL 600.8381(5).

Beginning October 1, 2003, when fines and costs are assessed in non-traffic civil infraction actions, the judge or district court magistrate shall order a defendant to pay the state assessment required by MCL 600.8727(4) (\$10 for municipal civil infractions) and MCL 600.8827(4) (\$10 for state civil infractions), in addition to any other fines and costs ordered. MCL 600.8381(5).

Assessments ordered before October 1, 2003, but collected on or after that date must be deposited in the justice system fund. MCL 257.907(13).

## 8.38 Points

Insert the following information on page 8-43 immediately before the beginning of Section 8.39:

Effective October 1, 2003, 2003 PA 165 provides for the Secretary of State to impose a “driver responsibility fee” based on the number of points an individual accumulates on his or her driving record. MCL 257.732a(1) provides the following schedule of fees:

“An individual, whether licensed or not, who accumulates 7 or more points on his or her driving record pursuant to section 320a within a 2-year period for any violation not listed under subsection (2) shall be assessed a \$100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of \$50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more.”

Only points assigned after the effective date of the statute (October 1, 2003) will be used to calculate the driver responsibility fee. Points existing on a driver’s record prior to the effective date do not count. MCL 257.732a(6).

Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).



## 8.39 License Suspension

Add the following language to Section 8.39 on page 8-42:

Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).